

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)	
Amendment of Section 73.202(b))	
FM Table of Allotments)	MM Docket No. 02-212
FM Broadcast Stations.)	RM-10516
(Vinton, Louisiana, Crystal Beach,)	RM-10618
Lumberton, and Winnie, Texas))	

To: John A. Karousos
Assistant Chief, Audio Division
Media Bureau

REPLY OF CHARLES CRAWFORD

1. The opposition of Tichenor License Corporation dated July 21, 2004 is without merit. Tichenor's manipulation of the Commission's rules and policies implementing Section 307(b) have no legitimate place in a public interest determination regarding allocation of broadcast spectrum. The Tuck policy as applied in and illustrated by this case is unreasoned and unlawful under the Administrative Procedure Act and Motor Vehicle Manufacturers Association v. State Farm Insurance Company, 463 U.S. 29 (1983).

2. To be sure, this case is an indictment of the way in which the Commission has come to do business in the FM allotment field. It is incorrect for Tichenor at 11 to argue that these concerns must be considered in a rulemaking proceeding rather than a case adjudication. Bechtel v FCC, 10 F.3d 875 (D.C.Cir. 9564 (1988), cited by Tichenor at 10, was not a rulemaking proceeding. It was a case adjudication in which the Court of Appeals found the Commission's rules and practices to be

arbitrary and, in precedent cited in other administrative areas as well, held that it is incumbent on agencies to be alert to the real-world efficacy of their rules and practices.

3. That is precisely what is at stake here.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Gene A. Bechtel', written over a horizontal line.

Gene A. Bechtel

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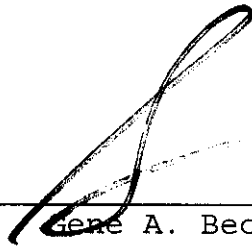
August 2, 2004

CERTIFICATE OF SERVICE

I certify that on this 2nd day of August, 2004, I have caused copies of the foregoing PEPLY OF CHARLES CRAWFORD to be placed in the United States mails, first class, postage prepaid, to the following counsel for Tichenor License Corporation:

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Gene A. Bechtel